

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROGER N.M. ONDOUA,

Plaintiff,

vs.

MONTANA STATE UNIVERSITY,
et al.,

Defendants.

CV 18-05-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

The Court conducted a hearing on Defendants' motion for judgment on the pleadings on February 13, 2019. Defendants argued that all 20 Counts of the Third Amended Complaint should be dismissed. Plaintiff agreed that six Counts should be dismissed. Plaintiff agreed that Counts 7, 8, 9, 15 and 16 should be dismissed without prejudice, and that Count 20 should be dismissed with prejudice. Plaintiff opposed Defendants' motion in all other respects.

The Court determined that the Third Amended Complaint was deficient in that it fails to provide the Defendants fair notice of the allegations against them. The Third Amended Complaint fails to identify the specific Defendants that are responsible for each alleged cause of action, and the Third Amended Complaint

fails to provide a short and plain statement of the legal and factual basis for each alleged cause of action.

Therefore, it is RECOMMENDED:

1. Defendants' Motion for Judgment on the Pleadings (Doc. 33) should be GRANTED with respect to Counts 7, 8, 9, 15, 16 and 20. Defendants' Motion for Judgment on the Pleadings should be DENIED with respect to all of the other Counts.
2. Counts 7, 8, 9, 15 and 16 should be DISMISSED without prejudice.
3. Count 20 should be DISMISSED with prejudice.
4. Plaintiff should be required to file an amended preliminary pretrial statement on or before March 6, 2019. The amended preliminary pretrial statement should identify the specific Defendants that are responsible for each alleged cause of action, and provide a short and plain statement of the legal and factual basis for each alleged cause of action.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de

novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge.

DATED this 19th day of February, 2019.



John Johnston
United States Magistrate Judge